

PROFFER STATEMENT

REZONING: Project No. RZ03-M-09
R-A to R-1

PROPERTY: 79 acres; Geographic Parcel
Identification Number (G.P.I.N.)
6974-45-6306 and a portion of 6974-
62-2223, Marshall Magisterial
District, Fauquier County, Virginia
("the Property")

RECORD OWNERS: St. Leonard's Farm, Inc.

PROJECT NAME: St. Leonard's Farm

ORIGINAL DATE
OF PROFFERS: January 9, 2003

REVISION DATA: February 28, 2003
March 13, 2003

The undersigned hereby proffers that the use and development of the subject property ("Property"), as described above, shall be in strict conformance with the following conditions, which shall supersede all other proffers that may have been made prior hereto. In the event the above referenced rezoning is not granted as applied for by the applicant ("Applicant"), these proffers shall be withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with "final rezoning" defined as that rezoning which is in effect on the day following the last day upon which the Fauquier County Board of County Supervisors (the "Board") decision granting the rezoning may be contested in the appropriate court or, if contested, the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal. If this application is denied by the Board, but in the event an appeal is for any reason thereafter remanded to the Board for reconsideration by a court of competent jurisdiction, then these proffers shall be deemed withdrawn unless the Applicant shall affirmatively readopt all or any portion hereof, in a writing specifically for that purpose. The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest. When used in these proffers, the "Development Plan" shall refer to the plan entitled "Town Of Warrenton, St. Leonard's Farm Residual Property, General Development Plan" dated January 2, 2003, (the "Plan").

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1. LAND USE:

- 1.1. Residential development on the Property shall not exceed 41 dwelling units.
- 1.2. Single family detached lot sizes shall be no less than the minimum required for the R-1 zoning classification, and may be developed as conventional or clustered lots, in conformity with the requirements of the Ordinance.
- 1.3. The development shall retain not less than the minimum open space as required for a clustered or conventional development.

2. BUFFERING:

- 2.1. A 150 foot buffer shall be preserved on the southernmost Property line measured from the edge of existing right-of-way of Route 211, as generally depicted on the Development Plan.
- 2.2. A 100 foot buffer shall be preserved along the northern and western Property lines, measured from the existing Property line, as generally depicted on the Development Plan.
- 2.3. The Applicant shall further maintain a conservation buffer on the Property as otherwise provided in these Proffers.

3. WATER AND SEWER

- 3.1. The Property shall be connected to Town public water and sewer, at the Applicant's expense.

4. CREATION OF HOMEOWNERS' ASSOCIATION:

- 4.1. A homeowners' association ("HOA") shall be created and shall be made responsible for the maintenance and repair of all common areas, including any common open space which may be established in accordance with the requirements of the County Zoning Ordinance or these proffers. The HOA shall be granted such other responsibilities, duties, and powers as are customary for such associations, or as may be

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required to effect the purposes for which such HOA is created. Such HOA shall also be granted sufficient powers as may be necessary, by regular or special dues or assessment, to raise revenues sufficient to perform the duties assigned hereby, or by the documents creating the Association.

- 4.2. In addition to any other duties and responsibilities as may be assigned to it, the HOA shall have title to and responsibility for (i) all common open space areas not dedicated to public use in accordance with these proffers and (ii) any common buffer areas located outside of residential lots. It shall also have (iii) responsibility for the perpetual maintenance of any entrance feature (subdivision) signs, street, and perimeter or road buffers located within any easements for those purposes to be granted to the HOA.

5. TRANSPORTATION

- 5.1. Subject to review and approval by the Fauquier County Department of Community Development and the Virginia Department of Transportation ("VDOT"), the Applicant shall dedicate 50' of its property as right-of-way for a future access road to Route 211, in the general location depicted on the Development Plan, and as the location of that access road across the Property may be finally determined.
- 5.2. The Applicant shall enter into a separate agreement with the Town of Warrenton with respect to the sharing of costs of construction of any such access road.
- 5.3. Subject to review and approval by the Fauquier County Department of Community Development and the Virginia Department of Transportation ("VDOT"), a traffic-calming device shall be installed on the said future access road at the point of a shared entrance to the Town's proposed recreation facility on its adjacent land.
- 5.4. The Applicant shall further maintain on the Property a 250 foot conservation buffer along the common property boundary with the Town; provided that this buffer area shall encompass, and shall not be in addition to, any area to be dedicated or reserved for public street purposes pursuant to these Proffers.
- 5.5. Primary access to the development shall be restricted to a single entrance from the proposed 50' access road.

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- 5.6. A controlled emergency access fitted with a gate or other control feature acceptable to the Office of Emergency Services shall be provided in a suitable location at the Property line and Lower Waterloo Road. No residential lots adjoining Lower Waterloo Road shall be permitted direct access to such emergency access.
- 5.7. Within one year (1) year of completion of a realigned Route 211 median break necessary to accommodate the aforesaid access road, as generally depicted on the Development Plan, the Applicant may connect to a relocated farm entrance road constructed by others, so as to align that entrance with the said median break. This relocation to the said median break shall be accomplished in order to permit the Applicant to continue agricultural and silvicultural activities on its retained Property. The Applicant may continue, in its discretion, to use the existing farm road access.
- 5.8. Any additional road improvements that may be necessitated by the development of the property shall be determined at the time of final subdivision approval subdivision approval for that development.
- 5.9. In the event that development is initiated on the Property before the Town commences construction of a road in the right-of-way to be dedicated for public street purposes hereunder, the Applicant shall construct so much of that road as is reasonably necessary to provide access to Old Waterloo Road in substantial conformity with such access as depicted on the General Development Plan, and subject to VDOT's approval of plans therefor. Plans for such access shall be approved and bonded prior to the issuance of the first residential occupancy permit for the Property.

6. CONSERVATION EASEMENT.

- 6.1. St. Leonard's Farm, Inc. shall convey to the Virginia Outdoors Foundation ("VOF"), or such other conservation organization as may be deemed mutually agreeable by the Board and the Applicant, a conservation easement for approximately 800 acres more or less of the Applicant's Property located in Fauquier County and not including any land to be conveyed to the Town of Warrenton, on the south side of Route 211, which is to be retained by the Applicant and which is not the subject of this rezoning application. The Applicant shall be entitled to subdivide the 800 acres into no more than eight (8) lots. The grant

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of such easement shall be contingent upon the rezoning of the Property as applied for, and shall be recorded within one (1) year from the Final Rezoning of the Property but in any event prior to the subdivision of any of the forty-one (41) lots permitted under Section 1.1 above. The conservation easement shall be similar in form and content to the draft easement attached hereto and shall be recorded among the land records of Fauquier County.

OWNER:

ST. LEONARD'S FARM, INC.

By: _____
David M. van Roijen, President

Date:
